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**UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA**

MI FAMILIA VOTA, et al.  
Plaintiffs,

v.

ADRIAN FONTES, in his official capacity as  
Arizona Secretary of State, et al.,

Defendants,

and

Speaker of the House Ben Toma and Senate  
President Warren Petersen,

Intervenor-Defendants.

LIVING UNITED FOR CHANGE IN ARIZONA, et al.,  
Plaintiffs,

v.

ADRIAN FONTES, in his official capacity as  
Arizona Secretary of State, et al.,

Defendant,

and

STATE OF ARIZONA, et al.,

Intervenor-Defendants,

Case No. 22-00509-PHX-SRB  
(Lead)

**NON-U.S. PLAINTIFFS'  
CONSOLIDATED STATEMENT  
OF MATERIAL FACTS**

No. CV-22-00519-PHX-SRB  
No. CV-22-01003-PHX-SRB  
No. CV-22-01124-PHX-SRB  
No. CV-22-01369-PHX-SRB  
No. CV-22-01381-PHX-SRB  
No. CV-22-01602-PHX-SRB  
No. CV-22-01901-PHX-SRB

1 and  
2 Speaker of the House Ben Toma and Senate  
3 President Warren Petersen,  
Intervenor-Defendants.

4 PODER LATINX,  
5 Plaintiff,  
6 v.  
7 ADRIAN FONTES, in his official capacity as  
8 Arizona Secretary of State, et al.,  
9 Defendants,  
10 and  
11 Speaker of the House Ben Toma and Senate  
12 President Warren Petersen,  
13 Intervenor-Defendants.

14 UNITED STATES OF AMERICA,  
15 Plaintiff,  
16 v.  
17 STATE OF ARIZONA, et al.,  
18 Defendants,  
19 and  
20 Speaker of the House Ben Toma and Senate  
21 President Warren Petersen,  
22 Intervenor-Defendants.

23 DEMOCRATIC NATIONAL COMMITTEE, et al.,  
24 Plaintiffs,  
25 v.  
26 ADRIAN FONTES, in his official capacity as  
27 Arizona Secretary of State, et al.,  
28 Defendants,  
and  
REPUBLICAN NATIONAL COMMITTEE,  
Intervenor-Defendant,  
and  
Speaker of the House Ben Toma and Senate  
President Warren Petersen,  
Intervenor-Defendants.

ARIZONA ASIAN AMERICAN NATIVE HAWAIIAN  
AND PACIFIC ISLANDER FOR EQUITY COALITION,  
Plaintiff,

v.

ADRIAN FONTES, in his official capacity as  
Arizona Secretary of State, et al.,

Defendants,

and

Speaker of the House Ben Toma and Senate  
President Warren Petersen,

Intervenor-Defendants.

PROMISE ARIZONA, et al.,

Plaintiffs,

v.

ADRIAN FONTES, in his official capacity as  
Arizona Secretary of State, et al.,

Defendants,

and

Speaker of the House Ben Toma and Senate  
President Warren Petersen,

Intervenor-Defendants.

Pursuant to Local Rule 56.1(a), Plaintiffs in this consolidated matter except the United States (collectively “the non-U.S. Plaintiffs”) submit the following statements of fact in support of their Cross-Motions for Partial Summary Judgment:

***H.B. 2492 / 2243 Legislative History***

1. On March 30, 2022, then-Governor Doug Ducey signed House Bill 2492 (“H.B. 2492”) into law. *See Exhibit 1*<sup>1</sup> (March 30, 2022 Letter from Governor Ducey to Secretary Hobbs re: House Bill 2492 voter registration; verification; citizenship). A copy of H.B. 2492 (Chaptered Version) is attached hereto as **Exhibit 2**.

2. On April 22, 2022, Governor Ducey signed Senate Bill 1638 (“S.B. 1638”), which made a technical amendment to H.B. 2492 and delayed the effective date for all of H.B. 2492’s provisions to December 31, 2022. A copy of S.B. 1638 (Chaptered Version) is attached hereto as **Exhibit 3**.

3. On June 23, 2022, the Arizona Legislature passed House Bill 2243 (“H.B. 2243”), which was signed into law by Governor Ducey on July 6, 2022. A copy of H.B. 2243 (Chaptered Version) is attached hereto as **Exhibit 4**.

4. H.B. 2243 went into effect on September 24, 2022. *See Ex. 4*.

5. H.B. 2492 went into effect on December 31, 2022. *See Ex. 2; Ex. 4*.

***Arizona Election Officials***

6. Katie Hobbs is the Governor of Arizona. *See Ex. 5* (State of Arizona Official Canvass, 2022 General Election) at 2. As Governor, she “supervise[s] the official conduct of all executive and ministerial officers.” A.R.S. § 41-101(A)(1).

7. Adrian Fontes is the Secretary of State of Arizona. *See Ex. 5* at 10. As Secretary, he is Arizona’s chief election officer and is responsible for “coordination of” Arizona’s responsibilities under the National Voter Registration Act of 1993 (“NVRA”). A.R.S. § 16-142(A)(1).

8. Kristin Mayes is the Attorney General of Arizona. *See Ex. 5* at 10. As Attorney General,

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<sup>1</sup> All references to Exhibits are exhibits to the Declaration of Nicole Hansen.

1 she is the chief legal officer of the state. A.R.S. § 41-492.

2 9. The Arizona Elections Procedures Manual (“EPM”), which is prepared by the Arizona  
3 Secretary of State after consultation with county election officials, contains “rules to achieve  
4 and maintain the maximum degree of correctness, impartiality, uniformity and efficiency on  
5 the procedures for early voting and voting, and of producing, distributing, collecting, counting,  
6 tabulating and storing ballots.” A.R.S. § 16-452(a).

7 10. The EPM must be approved by the Governor, Secretary of State, and Attorney General  
8 before going into effect. A.R.S. § 16-452(b).

9 11. The EPM is binding on County Recorders; a violation of any rule adopted as part of the  
10 EPM is a class 2 misdemeanor. A.R.S. § 16-452(c).

11 12. The 2019 Elections Procedures Manual, as the last EPM approved by the Governor,  
12 Secretary of State, and Attorney General, is the currently operative and binding EPM. A copy  
13 of the 2019 EPM is attached hereto as **Exhibit 6**.

14 13. A draft 2021 Elections Procedures Manual was submitted to then-Governor Ducey and  
15 then-Attorney General Brnovich by then-Secretary of State Hobbs on October 1, 2021. *See*  
16 **Ex. 7** (Oct. 1, 2021 Letter from Secretary Hobbs to Governor Ducey and Attorney General  
17 Brnovich). The 2021 draft EPM was not approved by Attorney General Brnovich and thus did  
18 not take effect. *See Ex. 8* (Dec. 22, 2021 Letter from Attorney General Brnovich to Secretary  
19 Hobbs).

20 14. The currently operative Election Procedures Manual does not contain any information  
21 or guidance on H.B. 2492 or H.B. 2243. *See generally Ex. 6*.

22 15. The County Recorders are responsible, within their respective counties, for processing  
23 voter registration applications and verifying voter registration applicants’ eligibility to vote,  
24 including citizenship and residency status. The County Recorders are also responsible for  
25 maintenance of voter registration records in their respective counties, including rejection of  
26 voter registration applications and removal of voters from the registration list pursuant to  
27 certain provisions of H.B. 2492 and 2243. A.R.S. §§ 16-112; 16-121.01; 16-123; 16-128; 16-  
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1 131; 16-151; 16-161; 16-165; 16-166.

2 ***Voter Registration in Arizona***

3 16. Eligible Arizona residents may register to vote using a voter registration form  
4 prescribed by the Arizona Secretary of State pursuant to A.R.S. § 16-162(C) (the “State  
5 Form”). A copy of the current Arizona State Voter Registration Form is attached hereto as  
6 **Exhibit 9**.

7 17. The current State Form does not reflect H.B. 2492’s requirements that all State Form  
8 applicants provide documentary proof of location of residence (“DPOR”), documentary proof  
9 of citizenship (“DPOC”), and their place of birth. *See Ex. 9*. The “State Form” advises  
10 applicants that they must provide DPOC to vote a “full ballot” and that, if they do not provide  
11 DPOC and their U.S. citizenship cannot be confirmed from the Arizona Motor Vehicle  
12 Division or statewide voter registration database, they will be registered to receive a “federal-  
13 only” ballot, which has only federal races. **Ex. 9** at 3.

14 18. Eligible Arizona residents may register to vote using the National Mail Voter  
15 Registration Form prescribed by the U.S. Election Assistance Commission pursuant to the  
16 NVRA (the “Federal Form”). A copy of the Federal Form is attached hereto as **Exhibit 10**.

17 19. The Federal Form does not require the submission of documentary proof of citizenship  
18 or documentary proof of location of residence. *See Ex. 10*.

19 20. The Federal Form does not request information about place of birth. *See Ex. 10*.

20 21. In 2005, Arizona requested that the Election Assistance Commission (“EAC”) add its  
21 DPOC requirement to Arizona’s state-specific instructions on the Federal Form. The EAC did  
22 not approve that request and Arizona did not seek judicial review of that agency action. *See*  
23 *Arizona v. Inter Tribal Council of Ariz., Inc.*, 570 U.S. 1, 6 (2013).

24 22. In 2013, Arizona again requested that the EAC include state-specific instructions on the  
25 Federal Form requiring DPOC. *See Kobach v. U.S. Election Assistance Comm’n*, 772 F.3d  
26 1183, 1188 (10th Cir. 2014). In 2014, the EAC denied that request. Arizona, along with  
27 Kansas, sought judicial review of that denial. *Id.* at 1188-89. The Tenth Circuit upheld the  
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1 EAC's agency action, *id.* at 1196, and the Supreme Court denied Arizona's petition for  
2 certiorari. *Kobach v. U.S. Election Assistance Comm'n*, 576 U.S. 1055 (2015).

3 23. Since 2013, Arizona has operated a dual voter registration system that requires DPOC  
4 for registration to vote in state and local elections but not for federal elections. **Ex. 6** (2019  
5 EPM) at 3 (Ch. 1, Sec. II.A); *see also* A.R.S. §§ 16-121.01; 16-127.

6 24. The 2014 EPM that implemented this dual voter registration system provided that if a  
7 voter registration applicant submitted a State Form without DPOC, they were not registered to  
8 vote at all. *See Ex. 11* at 21 (2014 Arizona Election Procedures Manual). If such an applicant  
9 submitted a Federal Form without DPOC, they were registered as a "federal only" voter. *Id.* at  
10 30.

11 25. In 2018, after litigation brought by Plaintiffs League of United Latin American Citizens  
12 of Arizona ("LULAC") and Arizona Students' Association, the Arizona Secretary of State  
13 agreed to, and this Court ordered, a consent decree (the "*LULAC* Consent Decree") mandating  
14 that, among other things, voter registration applicants would be treated equally regardless of  
15 whether they used the State or Federal Form to register and election officials would register  
16 applicants as full ballot voters if their DPOC could be acquired from the Motor Vehicle  
17 Division or the statewide voter registration database. A copy of the consent decree is attached  
18 hereto as **Exhibit 12**.

19 26. The *LULAC* Consent Decree was incorporated into an addendum to the operative EPM,  
20 which was distributed to the county recorders, and later incorporated into the 2019 EPM.  
21 **Exhibit 6** (2019 EPM) at 6, (Ch. 1, Sec. II.A.2). A copy of the 2019 Addendum to the 2014  
22 Arizona Elections Procedures Manual is attached hereto as **Exhibit 13**.

### 23 ***H.B. 2492 – DPOR Requirement***

24 27. All voter registration applicants in Arizona must attest to their legal residence under  
25 penalty of perjury. **Ex. 9** (State Form) § 22; **Ex. 10** (Federal Form) § 9.

26 28. With certain exceptions stipulated to in *Gonzalez v. Arizona*, CV 06 06-1268-PHX-  
27 ROS (D. Ariz.) ("*Gonzalez* Stipulation"), voters are already required to provide the documents  
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1 indicating location of residence identified in A.R.S. § 16-579(A)(1) when they vote in person.

2 A copy of the *Gonzalez* stipulation is attached hereto as **Exhibit 14**.

3 29. Pursuant to the *Gonzalez* stipulation, members of federally recognized Indian tribes are  
4 entitled to present Tribal identification at the polls that does not include a numbered street  
5 address to satisfy the in-person identification requirement of A.R.S. § 16-579(A)(1). Such  
6 voters are given a provisional ballot that is counted without additional documentation.

7 30. Both the State and Federal Forms allow applicants whose residences do not have a street  
8 address to include a description and drawing of their place of residence on their voter  
9 application form, rather than a numbered street address. **Ex. 9** (State Form) § 23; **Ex. 10**  
10 (Federal Form) § C.

11 31. The DPOR requirement applies to all voter registration applicants, regardless of  
12 whether they use the State or Federal Form. A.R.S. § 16-123; Doc. 346 ¶ 62.

13 32. The Federal Form does not require DPOR for the registration of voters in Federal  
14 elections. *See Ex. 10* (Federal Form).

15 33. According to the Attorney General, on December 30, 2022, Kori Lorick from the  
16 Secretary of State's office sent an email containing a chart explaining documents that could  
17 constitute proof of location of residence. *See* Doc. 365, ¶ 14.

18 34. The Secretary's chart recognizes that tribal members may demonstrate proof of location  
19 of residence through a tribal or state identification card without a traditional street address,  
20 with a P.O. Box, or with no address at all, consistent with the *Gonzalez* Stipulation. *See* Doc.  
21 365, ¶ 15; Doc. 365-1, Ex. J.

#### 22 ***H.B. 2492 – Birthplace and Citizenship Checkbox Requirements***

23 35. The Secretary of State has admitted that a person's birthplace and whether they check  
24 a citizenship checkbox are immaterial to verifying a person's qualifications to register and  
25 vote. Doc. 124, ¶¶ 8, 61, 67, 197; Doc. 123, ¶¶ 102-03; Doc. 122, ¶¶ 51-56, 61.

26 36. Prior to the enactment of H.B. 2492, the State Form contained a field for inputting place  
27 of birth, but until H.B. 2492's enactment, the omission of such information was not a basis for  
28



1 rejection of a voter registration application. Doc. 124, ¶ 57; Doc. 328, ¶ 57.

2 37. On December 30, 2022, former State Elections Director Kori Lorick sent an email to  
3 each of Arizona's 15 County Recorders regarding "implementation of H.B. 2492 and H.B.  
4 2243]," which included as an attachment a "policy document" that "noted which provisions"  
5 of H.B. 2492 and H.B. 2243 the Secretary of State's Office "interpret[ed] as conflicting with  
6 federal law[.]" **Ex. 15** at AZSOS-000001; **Ex. 16**. A copy of the Dec. 30, 2022 Email from  
7 Kori Lorick to the County Recorders and its attachments are attached as **Exhibits 15** and **16**.

8 38. The referenced policy document states that the Birthplace Requirement "is in conflict  
9 with the Civil Rights Act of 1964, 52 U.S.C. § 10101(a)(2)(B) ('CRA') and cannot be  
10 implemented without violating federal law." **Ex. 16** at AZSOS-000012.

11 39. The document also states that the Citizenship Checkbox Requirement "is immaterial  
12 and violates the CRA, by denying the right to register to vote to eligible Arizonans who  
13 accidentally omit the checkmark from their voter registration application," explaining that "if  
14 an applicant provides DPOC, or DPOC can be acquired based on the provided information,  
15 the county recorder should accept the form." **Ex. 16** at AZSOS-000012.

16 40. On March 24, 2022, Jennifer M. Marson, the Executive Director of the Arizona  
17 Association of Counties, sent a letter to former Governor Ducey requesting a veto of H.B.  
18 2492, stating that "the 'place' of an applicant's birth . . . is irrelevant to the applicant's desire  
19 to be a registered voter, it can't be verified by the county, and it does not verify identification."  
20 **Ex. 17** at SCCR000105. A copy of the March 24, 2022 Letter from Arizona Association of  
21 Counties is attached hereto as **Exhibit 17**.

22 41. Also on March 24, 2022, Ms. Marson sent an email to each of Arizona's 15 County  
23 Recorders reporting to them that H.B. 2492, which Ms. Marson described as "one of the bills  
24 we disliked the most," had passed both chambers and was headed to the Governor for  
25 signature. Ms. Marson reported that the Arizona Association of Counties would be submitting  
26 a veto request and included a summary of some of the Association's key concerns with the  
27 bill, including that "[p]lace of birth is irrelevant (doesn't verify ID) and counties have no way  
28

1 to verify this data anyway.” **Ex. 18** at SCCR000111. A copy of the March 24, 2022 Email  
2 from Jennifer Marson is attached hereto as **Exhibit 18**.

3 42. Also on March 24, 2022, Defendant Pima County Recorder Gabriella Cázares-Kelly  
4 sent a letter to former Governor Ducey requesting a veto of H.B. 2492, stating: “The bill  
5 creates unnecessary barriers for voters wishing to participate in the electoral process, by  
6 changing the way County Recorders process voter registrations forms. . . . Requiring a  
7 birthplace when registering (16-121.01) is irrelevant. There is no way to verify the information  
8 and it has no bearing on the ability to vote nor does it verify identity. . . . This bill simply does  
9 not support the work that we do. It actually inhibits the work that we do.” **Ex. 19** at  
10 PIMA\_COUNTY\_0822. A copy of the March 24, 2022 Email from Pima County Recorder  
11 Gabriella Cázares-Kelly is attached hereto as **Exhibit 19**.

12 43. On January 27, 2023, Defendant Cochise County Recorder David Stevens responded  
13 to interrogatories propounded in this litigation by Plaintiff Arizona Asian American Native  
14 Hawaiian And Pacific Islander For Equity Coalition, stating: “Recorder Stevens will follow  
15 guidance from the Arizona Secretary of State’s Office indicating that certain portions of H.B.  
16 2492 violate federal law and should not be implemented.” **Ex. 20** at 4. A copy of Cochise  
17 County Recorder Stevens’ Responses to Interrogatories is attached hereto as **Exhibit 20**.

18 ***H.B. 2243 – Citizenship Checks and Cancellation***

19 44. The Secretary of State admitted that A.R.S. § 16-165(I) “requires a different ‘standard,  
20 practice, or procedure’ for determining a voter’s qualifications for voters who a county  
21 recorder ‘has reason to believe are not United States citizens’ than for voters who a county  
22 recorder does not have reason to believe are not United States citizens.” Doc. 189 ¶ 102.

23 45. The Secretary has admitted that A.R.S. § 16-165(I) directs county recorders to sort  
24 voters into two categories: those who will be subjected to the additional SAVE System  
25 verification procedures and those who “are not suspected of lacking U.S. citizenship [and] will  
26 not be subjected to the investigation and potential cancellations [sic] provisions set forth in  
27 H.B. 2243.” Doc. 189, ¶¶ 102-03.

1 46. The Secretary of State has admitted that H.B. 2243 “requires that county recorders, to  
 2 the extent practicable, check the SAVE System each month ‘to verify the citizenship status’  
 3 of any ‘persons who are registered to vote in that county and who the county recorder has  
 4 reason to believe are not United States citizens.’” Doc. 189, ¶ 112.

5 47. The Secretary of State has admitted that H.B. 2243 “does not include any indicia or  
 6 criteria that would provide a predicate for the county recorder’s ‘reason to believe’ a person is  
 7 not a United States citizen.” Doc. 112 ¶ 41.

8 ***H.B. 2243 Databases Are “Potentially Unreliable” and Based On “Inaccurate” Data***

9 48. The Secretary of State has admitted that H.B. 2243 “requires the Secretary and county  
 10 recorders to engage in a number of database checks, in most cases monthly and to the extent  
 11 practicable, to confirm registered voters’ residence and/or citizenship status . . . .” **Ex. 21**  
 12 (Secretary of State Answer filed in Case No. 2:22-cv-01381-SRB, Doc. 63) ¶ 85.

13 49. The Secretary of State has admitted that “H.B. 2243 do[es] not specify what type, set,  
 14 or combination of ‘information’ establishes that a registered voter ‘is not a United States  
 15 citizen’ or what information is sufficient to match an individual in a database with the  
 16 registered voter or applicant, and that some United States citizens may be erroneously flagged  
 17 as non-citizens based on potentially outdated and inaccurate data.” Secretary of State Answer  
 18 to Plaintiffs Poder Latinx and CPLC’s Second Amended Complaint, ECF No. 189, ¶ 44.

19 50. The Secretary of State has admitted that under H.B. 2243, “if a county recorder obtains  
 20 information and confirms that a registered voter is not a United States citizen, which may be  
 21 based on potentially unreliable and outdated sources, and if, after receiving a notice, the voter  
 22 does not provide proof of citizenship within 35 days, the recorder must cancel the registration  
 23 and notify the county attorney and Attorney General for possible investigation.” **Ex. 21** ¶ 12.

24 ***H.B. 2243 NVRA Notice***

25 51. On July 22, 2022, Plaintiff Equity Coalition sent formal notice to the Secretary of State,  
 26 as required under the NVRA, notifying then-Secretary Hobbs of the NVRA violations arising  
 27  
 28

1 from the enactment of H.B. 2243. A copy of this notice is attached hereto as **Exhibit 22**; *see*  
 2 *also* Doc. 169-2 (Poder Latinx’s H.B. 2243 NVRA Notice Letter).

3 52. On August 15, 2022, Plaintiffs Promise Arizona and Southwest Registration Education  
 4 Project also provided written notice to then-Secretary Hobbs of the NVRA violations created  
 5 by H.B. 2243. A copy of this notice is attached hereto as **Exhibit 23**.

6 ***Implementation of H.B. 2243***

7 53. On August 10, 2022, Plaintiff Equity Coalition contacted each of the named county  
 8 recorder-Defendants, asking whether and when, in connection with the passage of H.B. 2243,  
 9 the county recorder is (1) currently implementing or planning to shortly implement any  
 10 changes to their procedures or effectuate any new procedures or actions, and/or (2) planning  
 11 any such changes/new procedures or actions upon the general effective date of bills passed  
 12 during the 55th Legislature (September 24, 2022). **Ex. 24** (Steinbach Decl. filed in Case No.  
 13 2:22-cv-01381-SRB, Doc. 35) ¶¶ 3-5, 16-17, 19.

14 54. By August 18, 2022, seven county recorders stated that they understood H.B. 2243 to  
 15 go into effect upon the general effective date of bills passed during the 55th Legislature,  
 16 September 24, 2022—45 days prior to the November 8, 2022 federal election—and that they  
 17 would follow the law. **Ex. 24** ¶¶ 6-21. The other eight county recorders did not respond in  
 18 writing to the request. **Ex. 25** (Ex. 23 to Steinbach Decl. filed in Case No. 2:22-cv-01381-  
 19 SRB, Doc. 35-2).

20 55. No county recorder ever stated that they would not implement H.B. 2243 in September  
 21 or October 2022 because doing so was prohibited under the NVRA’s 90-day prohibition  
 22 period. *See generally* **Ex. 24**; **Ex. 25**.

23 56. On August 25, 2022, Plaintiff Equity Coalition filed a Motion for Preliminary  
 24 Injunction, attached hereto as **Exhibit 26** (Motion for Preliminary Injunction, Case No. 2:22-  
 25 cv-01381-SRB, Doc. 32).

26 57. On September 8, 2022, the parties filed a proposed stipulated order regarding the  
 27 motion for preliminary injunction (the “Stipulated Order”), attached hereto as **Exhibit 27**  
 28

(Case No. 2:22-cv-01381-SRB, Doc. 53). At the request of Maricopa County, the recitals of the proposed stipulation made clear the county recorders only consented to be being bound by the Secretary of State's interpretation on the effective date of H.B. 2243's amendments to A.R.S. § 16-165 as set forth in the order, and would not be bound if the Secretary were to later adopt a different interpretation. *Id.* at 2 ("WHEREAS, the County Recorder Defendants agree and will abide by the Secretary of State and the Attorney General's interpretation of the effective date of H.B. 2243's amendments to A.R.S. § 16-165, as set forth above.").

58. In her October 26, 2022 Answer to Plaintiff Promise Arizona's Complaint, then-Secretary Hobbs stated for the first time that the NVRA's 90-day prohibition on systematic cancellation of voters would apply to cancellations under the provisions of A.R.S. § 16-165 as amended by H.B. 2243, but the Secretary acknowledged that the Secretary "has no currently available means of binding other officials, including the county recorders, the Attorney General, or the new Secretary of State who would be elected in the November 2022 General Election." **Ex. 28** (SOS Answer to Promise Arizona Compl.), Case No. 2:22-cv-01602, Doc. 46 ¶¶ 78, 157; *see also* **Ex. 29**, Promise Arizona Compl., Case No. 2:22-cv-01602, Doc. 1 ¶¶ 78, 157.

59. No county recorder has stated in any Answer that he or she is bound by the Secretary of State's interpretation that the NVRA's 90-day prohibition on systematic cancellation of voters would apply to cancellations under the provisions of A.R.S. § 16-165 as amended by H.B. 2243.

### ***Voting By Mail***

60. Approximately 89 percent of Arizonans voted by mail in the 2020 general election. *See* **Ex. 30** at 1, (Statement by Arizona Clean Elections Commission that "In the 2020 General Election, approximately 89% of ballots cast were early ballots," available at: <https://www.azcleelections.gov/how-to-vote/early-voting/vote-by-mail>).

1 Date: June 5, 2023

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

On this 5th day of June, 2023, I caused the foregoing to be filed and served electronically via the Court's CM/ECF system upon counsel of record.

/s/ Danielle Lang

Danielle Lang

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